

CAP. LI

An Act to further amend the Municipal Code

[Assented to 15th January, 1898]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 522*a* of the Municipal Code, as enacted by the M. C. 522*a*, act 60 Victoria, chapter 57, section 3, is replaced by the following : replaced.

“ 522*a*. To acquire one or more machines, stone crushers and rollers to improve and maintain by-roads and roads whether local or county ; to make arrangements with the local municipalities, and the corporations of towns and villages with a population of less than four thousand souls, situate within the limits of the county, for the purpose of allowing them the use thereof for their roads, and to fix the price for their use, or to give them the gratuitous use thereof. Acquisition of stone-crushers, &c.

“ 522*b*. To acquire such machines, jointly with the town corporations coming within the provisions of the preceding article, and to make, respecting the said machines, the arrangements mentioned in the said article with local or county municipalities.” Joint acquisition, &c.

CAP. LII

An Act to amend the acts respecting the corporation of the city of Quebec and the recorder's court of the said city

[Assented to 15th January, 1898]

WHEREAS the corporation of the city of Quebec has, by petition, represented that it is expedient to amend the various acts respecting the same, as well as the laws respecting the recorder's court of the said city, and to add certain other provisions thereto ; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

RECORDER'S COURT

1. Section 30 of the act 24 Victoria, chapter 26, is replaced by the following : 24 V., c. 26, s.30, replaced.

“ The said recorder's court may be held every day, and may sit as many times as may be necessary each day Sittings of court.

after adjournment in contested matters and without adjournment or notice in non-contested, penal and other matters.”

27 V., c. 21,
s. 8, repealed.

2. Section 8 of the act 27 Victoria, chapter 21, is repealed.

24 V., c. 26,
s. 4, § 1, re-
placed.

3. The first paragraph of section 4 of the act 24 Victoria, chapter 26, is replaced by the following :

Jurisdiction
of court.

“The said court may take cognizance of and determine all offences mentioned in articles 2782 to 2794, inclusively, of the Revised Statutes of this Province in so far as such provisions are applicable to the city ; and article 2782 of the Revised Statutes shall apply to the recorder, *mutatis mutandis*.”

34 V., c. 11,
s. 2, § 1, 55-56
V., c. 50, s. 9,
replaced.

4. The first paragraph of section 2 of the act 34 Victoria, chapter 11, and section 9 of the act 55-56 Victoria, chapter 50, are replaced by the following :

Certain arti-
cles of Code
of Procedure
apply to re-
corder and
recorder's
court.

“Articles 7, 8, 9, 17, 18, 19, 21, 22, 125, 126, 128, 129, 131, 132, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 148, 151, 152, 215, 236, 519, 639, and 679 to 697, inclusively, of the Code of Civil Procedure apply, *mutatis mutandis*, to the recorder of the said city and to the said recorder's court.”

29-30 V., c. 57,
s. 53, replaced.

5. Section 53 of the act 29-30 Victoria, chapter 57, is replaced by the following :

Complaints
against cer-
tain persons
need not be in
writing.

“In all cases where a person is arrested on view by a police constable, it is not necessary that the complaint be reduced to writing, but a verbal complaint under oath, made before the said court by the constable who has arrested such person, shall be deemed a sufficient complaint.

Proviso.

If such person demand that the complaint be reduced to writing, the clerk shall reduce it.”

24 V., c. 26,
s. 10, § 1, re-
placed.

6. Subsection 1 of section 10 of the act 24 Victoria, chapter 26, is replaced by the following :

Proceedings
in default of
appearance.

“If any person summoned to appear before the said court, as defendant, as witness, as garnishee, or otherwise, does not appear in person or by attorney, then proceedings by default are taken against such person.”

24 V., c. 26,
s. 21, replaced.

7. Section 21 of the act 24 Victoria, chapter 26, is replaced by the following :

Proof of ser-
vice of sum-
mons.

“In cases of prosecutions for offences, if the summons is effected by a constable or police officer, the service is proved in open court by the oath of such constable or police officer.”

27 V., c. 21,
s. 4, repealed.

8. Section 4 of the act 27 Victoria, chapter 21, is repealed.

9. Section 63 of the act 29-30 Victoria, chapter 57, is replaced by the following: 29-30 V., c. 57, s. 63, replaced.

“Any warrant of commitment after judgment, issued by the recorder’s court, may be executed in any judicial district of the Province by the sheriff or by any bailiff of the district in which the person to be arrested happens to be.” Execution of warrants of commitment after judgment.

10. Section 4 of the act 45 Victoria, chapter 27, is replaced by the following: 45 V., c. 27, s. 4, replaced.

“When the owner of an immoveable property situate within the city of Quebec, and liable by privilege to the city for taxes or assessments, is unknown or uncertain, the city may apply, by simple petition, to the recorder’s court of the city, for the sale of such immoveable; and, for that purpose, articles 1026 to 1036, inclusively, of the Code of Civil Procedure apply, *mutatis mutandis*, to the said court, which has all the powers conferred on the Superior Court by the said articles.” Sale of immoveables belonging to unknown persons liable for taxes, &c.

POLICE

11. Subsections 14, 10, 11 and 12 of section 31 of the act 29 Victoria, chapter 57 are replaced by the following provision: 29 V., c. 57, s. 31, §§ 14, 10, 11 and 12, replaced.

“Every police officer or constable, when in the execution of his duty, shall arrest on view any person contravening the charter of the city or a by-law of the city council, as well as any vagrant, idle, loitering, loose or disorderly person whom he may find disturbing the public peace or whom he has just reason to suspect of some evil design, as well as any person whom he finds lying or loitering in any field, street, yard, or other place whatsoever in the said city, and not giving a satisfactory account of his presence in such field, street, yard, or other place; and he shall also arrest any person whom he finds committing any offence against the provisions of articles 2782 to 2794, inclusively, of the Revised Statutes.” Arrest of vagrants, &c.

12. Subsection 15 of section 31 of the act 29 Victoria, chapter 57, is replaced by the following: 29 V., c. 57, s. 31, § 15, replaced.

“Every vagrant arrested on view shall be taken before the recorder’s court, if the court be sitting, and if the court be not sitting, such person shall be taken to the nearest police station, there to be detained until the next sitting of the court, unless such person gives the bail required by law.” Confinement &c, of persons arrested on view.

LOAN

13. The city of Quebec is hereby authorized to borrow a sum not exceeding two hundred and fifty thousand dollars to pay for the cost of works to be done, for rights and prop- Authority given to borrow certain sum for certain purposes.

erties to be acquired for opening, prolonging, widening, repairing, and paving, streets and public places, and for hydrants, water-works and retaining walls.

Bonds may be issued for such loan

14. For the purpose of effecting the said loan, the city is authorized to issue bonds, as it may deem necessary, for the objects above mentioned, which bonds shall be for such sum as the city may deem expedient, and shall be payable within a period not exceeding sixty-five years from their date, with interest not exceeding four per cent per annum, payable half-yearly.

How to be issued, &c.

15. The said bonds shall be issued and registered in accordance with the formalities required for the bonds which the city has heretofore been authorized to issue.

Half-yearly payment on account of capital, &c.

16. At the same time as the interest, the city shall pay, half-yearly on the capital of the said bonds, a sufficient amount so that, at the maturity of each bond, the capital thereof shall be paid; but such bonds may also be made payable at maturity or in such other manner as the city may deem expedient.

MISCELLANEOUS

Tax on bicycles, &c.

17. The council of the city may make by-laws to compel the proprietor or possessor or lessee in the city of bicycles, tricycles, velocipedes and other vehicles or machines of the kind used in the city, to pay to the city an annual special tax not exceeding two dollars for each such bicycle, tricycle, velocipede or other vehicle or machine as aforesaid.

Tax on telegraph, &c., posts, &c.

18. The said council may also make by-laws to compel any incorporated company to pay to the city an annual special tax not exceeding twenty-five cents upon each wooden or metal post planted or erected or that shall be planted or erected by such company in the streets of the city for telegraph, telephone or electric light lines, or for transporting electric motive power.

60 Vic., c. 59, s. 4, replaced.

19. Section 4 of the act 60 Victoria, chapter 59, is replaced by the following :

Snow and ice in streets.

“The council of the city may make by-laws to declare that the city shall undertake to remove snow or ice from its streets or from some of the said streets or from certain portions of the said streets as well as from the sidewalks of such streets or parts of streets; to compel the persons obliged to remove such snow or ice to repay to the city the actual cost of the removal of such snow or ice by the city, after deducting what has to be paid by the Quebec District Railway Company or any other electric tramway company on such

streets as are traversed by such railway or electric tramway, and to regulate the manner of recovering and collecting the expense incurred by the city for that object."

20. Subsection 3 of section 20 of the act 29 Victoria, chapter 57, as amended by section 8 of the act 29-30 Victoria, chapter 57, is replaced as follows : 29 V., c. 57, s. 20, § 3, replaced.

" In any case where, after the making up of an assessment book, it shall become necessary to correct or amend the errors or omissions that may be found therein, or whenever persons, not subject to assessment or to any rate or tax whatsoever at the time of the making up of the said assessment book, shall, thereafter and within any period of the fiscal year, become subject to the payment of such assessment, rate or tax, such correction of error or omission, or such addition shall be made in such assessment book on application to that effect addressed by any assessor to the said recorder's court, which, on satisfactory proof of the said demand, shall order that the correction, amendment or addition demanded be made in the said book ; unless sufficient cause to the contrary shall be shown by the party interested. Omitted property, &c.

Such application cannot be made for corrections in the said assessment books for more than five years past, but the said clause shall not apply to cases now pending before the courts. Proviso.

21. Section 19 of the act 58 Victoria, chapter 49, is replaced as follows : 58 V., c. 49, s. 19, replaced.

" When a building, which has not been commenced or completed when the assessment books are completed, shall be finished in the course of the fiscal year, and when the entry in the assessment book of such addition to the immovable shall have been permitted by the recorder's court, the owner of such addition or new building shall be bound to pay to the city the amount of the taxes, assessments and water rates, which shall have been entered in the said assessment book, proportionately to the remaining period of the fiscal year. Addition to assessment books of buildings &c., completed during year.

If, at any time, it be ascertained that a property has been assessed at a leasing value less than the amount for which it has actually been leased, and if such undervaluation be due to inaccurate information supplied to the assessor, it shall be lawful for the said assessor to present a petition to the recorder's court, setting forth the facts, and praying for authority to enter in the said assessment books the additional assessments and taxes which would have been due on the difference between the leasing value entered in the books and that which should have been entered therein. Property entered for less than that for which it is leased.

Such petition shall be served upon the proprietor of the immovable so undervalued at least five days before pre- Service upon proprietor of petition in such case.

sentation of the same, and proceedings shall be had thereon as in the case of a complaint by ratepayers.

Proviso. By such petition, no increase of assessments or taxes can be asked for more than the past five fiscal years."

29 V., c. 57,
s. 36, § 20,
replaced.

22. Subsection 20 of section 36 of the act 29 Victoria, chapter 57, as amended by section 12 of the act 37 Victoria, chapter 50, and by section 27 of the act 38 Victoria, chapter 74, is replaced by the following :

Payment of
certain sum
for water-
rate.

" If the annual assessed value of a property or of any portion of a property is less than forty dollars, the proprietor shall pay to the city an annual specific tax of five dollars for water from the water-works."

59 V., c. 47,
s. 4, replaced.

23. Section 4 of the act 59 Victoria, chapter 47, is replaced as follows :

Reduction on
water-rates
for unoccu-
pied premises.

" In the month following the expiration of any fiscal year, the proprietor, whose property has been vacant for the whole year, or for a period of at least three consecutive months in such year, may obtain a refund, if he has paid, and if he has not, a reduction of the water-rates on such property, proportionate to the time it has been so unoccupied ;

Proviso.

But this refund or reduction shall not include the part of such water-rate corresponding to the three cents in the dollar exacted on all property.

How to be ap-
plied for.

The application for the above refund or reduction shall be made by summary petition to the recorder's court, after one clear day's notice to the city treasurer.

Meaning of :
"vacant prop-
erty."

The words "vacant property" in this section mean property which is not occupied by any one and for which the proprietor has no tenant.

Application
to officer to
turn off water,
&c.

But in order to be entitled to such refund it shall be necessary that the officers of the water-works' department of the city shall have turned off the water from such property on application to that effect ; the proprietor must previously pay to the city one dollar for the cost of turning off the water each time it has so been turned off."

Certain repay-
ments not to
be made after
certain date.

24. After the expiration of one year from the sanction of this act, the city shall no longer be obliged to repay the overcharge made in the years between 1877 to 1888 on baths and water-closets.

53 V., c. 68,
s. 10, repla-
ced.

25. Section 10 of the act 53 Victoria, chapter 68, is replaced by the following :

Application
of certain arti-
cles of C.C.P.

" Articles 396, 397, 398, 399, 400, 401, 402, 403, 406, 408, of the Code of Civil Procedure apply to references to experts under the charter of the city of Quebec."

ertain sum
be voted
ouncil for

26. On the occasion of public rejoicings, of demonstrations of a public and popular character, of receptions of

foreign public bodies, and of distinguished personages, and under other similar circumstances, or whenever the council deems advisable to pay any sum for remuneration or compensation, or to grant relief in case of fire or other great calamities, it is lawful for the said council, on a recommendation to that effect from the finance committee, to vote or authorize, by a resolution of two-thirds of the members of the council, the expenditure of an amount not exceeding five thousand dollars in any one year, such sum to be taken from the general funds of the city.

27. Section 17 of the act 29-30 Victoria, chapter 57, is replaced as follows: 29-30 V., c. 57-
s. 17, replaced.

“For requiring the removal by any proprietor, tenant or occupant of any house, building, or real property whatsoever or of any portion thereof in the said city, of all snow, ice, manure, mud, soot, filth, or any matter or thing whatsoever injurious to health or emitting a bad smell, or contrary to cleanliness, in or upon any street, lane or public place adjoining such house, building or property on any side whatsoever.

By such by-law it shall be lawful for the council to order that the depth of snow or ice to be left in the streets or on the sidewalks may be less in some streets than in other streets or public squares.

But such proprietor, occupant or tenant shall be required to make such removal from one-half only of such street or lane, or from fifteen feet in width of such public square adjoining such house, building or property, in accordance with the by-laws made or to be made in that behalf by the council of the said city.” Removal of
ice &c., in
streets, &c.

Depth of
snow on
streets.

Width of
street to be at
expense of
proprietor.

28. The park mentioned in section 11 of the act 60 Victoria, chapter 59, is declared to be the Victoria Park, and the said section 11 is repealed, but the loan therein mentioned has been validly authorized. 60 V., c. 59,
s. 11, repealed.

29. The name: “city engineer” is hereby given to the municipal officer heretofore known as the city surveyor or inspector; and the former name is substituted therefor in all acts respecting the city and in all by-laws of the city council wherein the words city surveyor or inspector may be found. City Engi-
neer.

30. Section 27 of the act 33 Victoria, chapter 46, is repealed. 33 V., c. 46,
s. 27, repealed.

31. Subsections 24, 26, 27 and 28 of section 35 of the act 29 Victoria, chapter 57, and sections 38 and 40 of the act 29-30 Victoria, chapter 57, are repealed. 29 V., c. 57
s. 35, § 24,
26, 27, 28, 2;
30 V., c. 57,
ss. 38 and
repealed.

32. This act forms part of the acts that it amends. Interpreta-
tion.

Coming into force.

33. This act shall come into force on the day of its sanction.

CAP. LIII

An Act to amend the charter of the city of Montreal

[Assented to 15th January, 1898]

Preamble.

WHEREAS the city of Montreal has, by its petition, represented that it is expedient to grant it a temporary aid in order to enable it to meet its obligations and engagements, and carry out certain permanent works which are urgently required in 1898;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

City authorized to borrow \$117,824, for certain purposes,

1. The city of Montreal is hereby authorized to borrow and use, in 1898, the balance of the borrowing powers granted to the city by the act 60 Victoria, chapter 60, viz : the sum of \$187,824, for the purposes mentioned in the said act; less \$50,000 for the Market Committee and \$20,000 for the Police Committee, reducing the said sum to be borrowed to \$117,824.

Certain other sum of \$375,000, for certain other purposes.

2. The city of Montreal is also authorized to borrow the sum of \$375,000 to be used to pay the obligations and to carry out the works hereinafter mentioned, which may be required and approved of in virtue of this act, in 1898, viz :

- (1) Judgments of courts, expenses for vaccination, subscriptions for the Queen's Jubilee, for the sufferers by fire in Casselman, and other liabilities 90,000
- (2) Road Committee : \$75,000, for main sewer in St. Denis Ward ; \$27,000 for paving Notre-Dame St. West ; \$20,000 for wooden sidewalks, and \$73,000 for other permanent works absolutely required 195,000
- (3) Waterworks : for pipe-laying, reservoirs, new services, and hydrants..... 75,000
- (4) Health..... 5,000
- (5) Markets..... 5,000
- (6) St. Helen's Island..... 2,500
- (7) Mount Royal Park..... 2,500

\$375,000